

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

JERRY A. SHANAHAN

Defendant.

Civ. No. 01:07-00039-SM

**DEFENDANT JERRY SHANAHAN'S PROPOSED VOIR DIRE QUESTIONS**

Pursuant to LR 16.2(b)(4), Jerry Shanahan submits the following proposed voir dire questions to the Court:

1. Are you employed, and if so, what is the nature of your work?
2. What is your educational background?
3. From what sources do you obtain news or financial information?
4. Have you ever served on a jury?
  - a. If so, what was the case about?
  - b. If so, were you the jury foreperson?
  - c. If so, what was the outcome?
5. Have you personally or any member of your family been involved in a lawsuit or other court proceeding?
  - a. If so, what was the case about?
  - b. If so, what was the outcome?
  - c. Will the involvement in that lawsuit affect your ability to participate in this case?
6. Have you or any member of your family ever been charged with a criminal offense, other than minor traffic violations?

7. Have you or any member of your family ever been the subject of an investigation or accusation by any grand jury, federal or state, or any licensing organization?
8. Have you or any member of your family ever been involved in a dispute with the government or any agency of the government?
9. Do you have any business training or experience? Please describe.
10. Do you have any finance training or experience? Please describe.
11. Do you have any accounting training or experience? Please describe.
12. Do you manage money or investments for anyone outside of your immediate family? If so, is there anything about your management of others' money that would prevent you from deciding this case fairly?
13. Do you or any of your friends work for a firm that audits the financial statements of a public company?
14. Do you blame corporations or the government for the current economic conditions?
15. Have you or your close friends or relatives suffered an investment or financial loss within the last 10 years? If so, do you believe your loss was the result of misconduct or mishandling by others? If so, by whom?
16. Do you believe the federal government should have a role in regulating the U.S. securities markets and protecting investors?
17. Have you or your close friends or relatives lost money because of fraud or financial mismanagement within a company? If so, do you blame the executives of such a company for such fraud or financial mismanagement?
18. Have you or has any member of your family ever served as a director or officer of a publicly traded company?
19. Have you or has any member of your family ever served on a board of directors for a publicly traded company?
20. Have you or any member of your family ever invested in the stock market?
21. Have you worked for a self-regulatory organization, like the New York Stock Exchange, the American Stock Exchange, the Boston Stock Exchange, the National Association of Securities Dealers, Inc. (NASD) or the Financial Industry Regulatory Authority (FINRA)?
22. Have you worked for a stock brokerage firm or been licensed as a stock broker or investment adviser?

23. Have you worked for a government agency?
24. Have you ever been a witness in a civil or criminal case or in a government investigation? Have you had any other experience with a judicial or administrative case or investigation that might influence your consideration of the evidence in this case?
25. Have you or any member of your family ever been involved in a legal dispute in which an accountant or other similar professional was on the other side?
26. Have you ever been charged with violating the securities laws?
27. Have you or has any member of your family ever worked for, or ever had a dispute with or filed a claim or lawsuit against, any of the following companies?
  - a. Cabletron
  - b. Enterasys
  - c. Aprisma Management Technologies
  - d. KPMG
28. Have you ever heard of or read about any of these companies? If so, what did you hear or read.
29. Have you, or has any member of your family, ever invested in any of the companies listed above?
30. Have you, or has any member of your family, ever had an experience with any of these companies, or any product made by them or service provided by them, such that it might make it difficult for you as a juror to treat all parties equally, fairly, and impartially in this matter?
31. Do any of you know the defendant Jerry Shanahan?
32. Have you ever heard of or read about the defendant Jerry Shanahan? If so, what did you hear or read?
33. Do you have any opinions about Mr. Shanahan or any of these companies? If so, what are those opinions?
34. Do you know anyone who has ever been employed by, represented by, or involved in litigation in which any of the parties were represented by the following organizations?
  - a. United States Securities and Exchange Commission
  - b. WilmerHale

- c. Choate, Hall & Stewart
- d. Shaheen & Gordon
- e. Donoghue Barrett & Singal
- f. Nelson Kinder + Mosseau
- g. Ramsdell Law Firm
- h. Edwards Wildman Palmer
- i. Dwyer & Collora
- j. Kenna & Sharkey
- k. Griesinger Tighe & Maffei
- l. Victor W. Dahar
- m. Good & Cormier
- n. McLane Graf Raulerson & Middleton
- o. Cosgrove Eisenberg & Kiley

35. Do you know any of the following persons?

- a. Robert Barber
- b. James Benard
- c. Hor Chong (David) Boey
- d. James Boyer
- e. Dick Bussiere
- f. Lawrence Collins
- g. Tom Eggemeier
- h. Donna Ferrera
- i. Enrique (Henry) Fiallo
- j. Bob Gagalis
- k. Joe Garofolo

- l. Keith Geneva
- m. Ron Gula
- n. Katarina Gustaffson
- o. Richard S. Haak
- p. Dr. Steven Henning
- q. Jack Huffard
- r. Anthony Hurley
- s. Douglas Kangos
- t. Bruce Kay
- u. John Merrill Keefer
- v. John Kern
- w. David Kirkpatrick
- x. Lisa Lentz
- y. Mike Leutkemeyer
- z. Susan Levenson
- aa. Anthony Librot
- bb. Tom Louriero
- cc. Elaine Marks
- dd. Tim Mullin
- ee. Matt Murphy
- ff. Piyush Patel
- gg. Doug Patteson
- hh. Tara Shawver
- ii. Michael Skubisz
- jj. Gayle Spence

kk. Nikolaus Schadeck

ll. Per Suneby

mm. Eric Turner

nn. Darrin Ullerick

oo. Don Weaver

pp. David Wilson

36. Have you heard or read anything about any of the individuals I just listed? If so, what did you hear or read?
37. Would you have any inclination to believe or disbelieve lawyers or witnesses for a defendant simply because they represent or testify on behalf a defendant that has been accused of wrongdoing by an agency for the United States government?
38. Would you have any inclination to believe or disbelieve lawyers or witnesses for the SEC simply because they represent or testify on behalf of an agency for the United States government?
39. Do you believe that because a government agency is the plaintiff, the defendant is likely to have violated the law as alleged?
40. The function of the jury is to decide questions of fact. You are the sole judges of the fact questions entrusted to you and nothing that the Court or the lawyers say or do may encroach in any way on your role as fact finders. However, when it comes to the law, you must take your instructions from the Court and you are bound by those instructions. You may not substitute your notions of what the law is or what you think it should be. At the conclusion of the case, your job will be to determine whether or not each defendant is liable as charged in the Complaint. Do you have any bias or prejudice that might prevent or hinder you from accepting the instructions of law that the Judge will give you in this case?
41. Apart from any prior questions, do you have the slightest doubt in your mind, for any reason whatsoever, that you will be able to serve conscientiously, fairly, and impartially in this case and to render a true and just verdict without fear, favor, sympathy or prejudice, and according to the law as it will be explained?

DATED: December 26, 2012

Respectfully submitted,  
JERRY SHANAHAN

By his attorneys,

/s/ Andrew Good \_\_\_\_\_  
Andrew Good

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**CERTIFICATE OF SERVICE**

I, Andrew Good, hereby certify that Defendant Jerry Shanahan's Pretrial Statement, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on December 26, 2012.

/s/ Andrew Good \_\_\_\_\_  
Andrew Good

Dated: December 26, 2012